

IMPLEMENTATION OF VILLAGE GOVERNMENT IN REALIZING VILLAGE INDEPENDENCE IN THE TANIMBAR ISLANDS REGENCY

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Volume: 3

Number: 3

Page: 658 - 676

Article History:

Received: 2022-07-17

Revised: 2022-08-10

Accepted: 2022-11-11

Abstract:

Villages or other names have existed before Indonesia was formed. The existence of these regions is highly respected by the Republic of Indonesia and all of its regulations will serve as a reminder of the rights of the origin of the region. In realizing village independence in development must begin with the right plan stage and followed by the right arrangement of activities as well. This research aims to analyzes Implementation of village government in realizing village independence. The research method used in this research is normative legal research. Implementation of the Village Law on the implementation of village government in Tanimbar Islands Regency has encouraged every village device to carry out its main duties in accordance with good governance, transparent and accountable, and has succeeded in increasing the village status index where no longer found villages are very left behind and most have become developed and independent villages. Empowering village communities that are considered as a method to achieve village independence, including through the active participation of village communities to explore and develop the potentials of the village and solve problems in the village. The concept of empowerment is aimed at finding new alternatives in the development of rural communities.

Keywords: Legal Protection, Traditional Knowledge, Sui Generis

Cite this as: LAMBIOMBIR, H., HAYATI, T., NURSADI, H., SIMATUPANG, D.P.N. (2022) "Implementation Of Village Government In Realizing Village Independence In The Tanimbar Islands Regency." International Journal of Environmental, Sustainability, and Social Sciences, 3 (3), 658 - 676.



INTRODUCTION

In article 1 paragraph (1) of the Constitution of the Unitary State of the Republic of Indonesia of 1945 (UUDNKRI 1945), the State of the Republic of Indonesia is a government that provides flexibility for regions in carrying out regional autonomy, the statement is contained in Article 18 of the 1945 Constitution which states that Indonesia is divided into small and large areas in the composition and form of government determined by law. The explanation is that the State of Indonesia is an eenheidsstaat, which means that Indonesia in its environment does not have a staat area. In Indonesia, the area is broken down into several provinces, and then each province is broken down into smaller areas. For areas that are autonomous, namely streek en locale rechtsgemeenschappen, this has a very administrative nature according to Widjaja and follows the regulations made by law.

Villages or by other names already existed before Indonesia was formed. In the explanation of Article 18 of the 1945 Constitution (before the amendment) stated in the territory of the existence of the State of Indonesia, there are approximately 250 territories of Zelfbesturende landschappen and Volksgemeenschappen such as villages in Bali and Java, hamlets and clans in Palembang, Nagari in Minangkabau, and so on. In some of these areas, the original arrangement can thus be assumed as an area of a special nature. The Republic of Indonesia highly respects the existence of these areas and all its regulations will be a reminder of the rights of the origin of the area. Thus,

the existence of Law No. 6 of 2014 becomes a guarantee and a form of recognition of village sustainability in the scope of NKRI.

The Republic of Indonesia highly respects the existence of these areas and all its regulations will be a reminder of the rights of the origin of the area. Thus, the existence of Law no. 6 of 2014 becomes a guarantee and a form of recognition of the sustainability of the Village in the scope of NKRI" is a conflicting statement. It seems that researchers follow the proposition of article 18 of the 1945 Constitution and its explanation that *Zelfbesturende landschappen* (sultanates/kingdoms of the archipelago) and *Volksgemeenschappen* (villages, nagari, marga, etc.) are used as special autonomous regions because they have an original arrangement. Whereas villages, nagari, surnames, and others under Law No. 6 of 2014 are regulated 100% contrary to the proposition of article 18 of the 1945 Constitution and its Explanation.

Independent village development in general according to Cifor, is defined as village development, ability and independence consisting of infrastructure, including schools, village halls and worship facilities, increased income and welfare, the ability to support their development, sustainable utilization of natural resources (SDA), independent of outside assistance, from the government, communities are able and cooperate to build villages, have their sources of income, Improving skills, already having clear rights and being able to utilize the results of resources, the ability to meet their own needs, empowerment and independence, the ability to regulate themselves, open with the government, there are several village regulations and must be able to finance village officials. Independent villages as the main target of community development in the Maluku Regency. Development goals have the potential to empower communities and provide opportunities for people to able to play a role in the management of natural resources around.

In the history of statehood in Indonesia, according to the Village Center has developed with various forms of its protection and empowerment are needed in order to be advanced, independent, democratic, and strong in order to form a solid basis for carrying out development and government to achieve a prosperous, prosperous and just society. However, if it is understood based on its legal construction on the village government structure, it is still used legal construction that has been implemented until now. This can be seen based on the statement in Law No. 6 of 2014 article 1 which states that the village government is implementing the interests of the community and government affairs in the NKRI government system.

Village government is a subsystem of the national government implementation system shaded by the district/city government. The most important thing about the implementation of village government is the position and role of the village head who leads the village with the help of village devices when carrying out their functions, duties, and obligations in carrying out village government. According to Safarin, the village government is the symbol of the village community. The village government is the lowest sovereign institution, which has the power and authority to deconcentrate based on the government and has the original authority to regulate its environment. The village government is held under the leadership of the village head and village apparatus that helps him in becoming a representative of the community in order to carry out relations into and out of the relevant community. Safarin further said that the village chief led the village government and his aides who had restrictions on carrying out their duties. In general, village devices include village secretaries and other village devices based on socio-cultural conditions and needs. The village in his government is tasked with seeing the order and peace of the community, fostering people's lives, and building the economy.

The leadership of the village head is the determinant of the effectiveness realized in the activities of building the village. If the participation of the community has been running effectively,

it becomes faster to realize a vision to build a village, but all these things must be supported by the ability of an individual who leads it. Thus, its leaders must be able to lead the community by using democratic and appropriate policies and leadership patterns. At least there are in the implementation of village government there are irregularities and problems in the implementation of village government there are at least 7 (seven) cases/conflicts related to the process of organizing village government, in addition to conflicts between indigenous peoples in Tanimbar Islands Regency with the implementation of village government, village funding cases, conflicts between villages with other villages in Tanimbar Islands Regency.

Good government has principles including the local strength of its people to improve the quality of life. The mapping of village government consists of 4 (four) institutions including the village government (State), the political community of the Village Consultative Board, civil society, namely social organizations or institutions, as well as economic communities that include distribution, economic community organizations, and production arenas carried out by village economic institutions and their perpetrators. According to Dao, by carrying out the principle of good governance as good village governance, the village can become more independent.

According to Busrizalti, the implementation of village government is a stage in reversing political views, namely the stage of democratization as long as the new order is processed from above, then back from the stage starting from the village. On that perspective, the village is a legal unit independently and has the authority and rights and authority to carry out regional autonomy. In accordance with Law No. 6 of 2014 on Villages, villages are not under the region anymore but are independently built communities where the people in the area have the right to express opinions in terms of the interests of their people or their interests and are not set from top to bottom. The village that until now has been used as an object is currently acting as an actor.

Government Regulation of the Republic of Indonesia of 2014 Number 43 article 127 paragraph (1) explains "village heads coordinate village development activities with village devices or elements of village communities" and in article 127 paragraph (2) "develop accountability in the implementation of village government and village development by improving the quality and capacity of village communities' human resources that continue to be assisted by village heads to sustainable village communities". Furthermore, in Government Regulation article 49 paragraph 2 the village government conveys "the responsibility of the implementation of village government, carrying out community development, village development, and community empowerment to the Mayor or Regent with the intermediary of the subdistrict head". Village heads in the implementation of their daily duties related to village government, village community development, village development and village community empowerment need to be developed for changes in government progress, development and community in the village and are increasingly required with the optimal ability and hard work of village heads in carrying out their duties so that the progress and development of the village are realized.

In realizing village independence in development must begin with the right plan stage and be followed by the correct arrangement of activities. Proper village development is not just because there are opportunities, but becomes a decisive thing for the priority options of its activities, not just to dabble because of improper plans. The 2014 Law Number 6 regarding villages indicates that there is village authority, namely; Local authority on the scale of the village and the right of origin than in exercising the authority to associate all elements of society. The planning stage properly can certainly produce an exemplary implementation of activities and then be able to create community participation to participate in evaluating the program in building villages on a local scale village.

Based on the background above, the author is interested in conducting research in the form of a dissertation with the title of Village Government in Realizing Village Independence in Tanimbar Islands Regency.

METHODS

The research method used in this research is normative legal research. According to Soejono Soekanto, normative legal research includes research on comparative law, research on legal history, level of legal synchronization, legal systematics, and legal principles. In Hans Kelsen's view, "normative jurisprudence describes its particular objects. However, the object is the norm, not the actual behavior patterns". For Kelsen, "The science of law explains the legal norms created by acts of human behavior and must be applied and obeyed by those actions and thus it explains the normative relationship between the facts established by those norms".

RESULT AND DISCUSSION

1. Village Social Independence

Legal Basis. In Article 1 paragraph (2) of Law No. 6 of 2014 concerning Villages, it is stated that "Village government is the implementation of government affairs and the interests of local communities in the system of government of the Unitary State of the Republic of Indonesia", furthermore an article 1 number (6) of Law No. 6 of 2014 concerning Villages is stated "Village authority is the right owned by the village to regulate its household affairs fully. The Village Government organizes this authority as an element of village government organizers" In article 18 of Law No. 6 of 2014 on Villages, it is said "The authority of the village includes authority in the field of village government, implementation of village development, village community development, and empowerment of village communities based on community initiatives, origin rights, and village customs".

To realize an independent village as contained in Law No. 6 of 2014 concerning Villages, several ways can be taken as follows:

- a. A mapping of the potential of the village is connected with the market potential so that it can be used as a source of income for the village and the village community.
- b. Doing a way to foster and guide directly for the achievement of accelerated development in the socio-cultural field, then strengthening the capacity of the village government, as well as organizing and managing the administration of the village government.
- c. Creating good synergy between village development planning with the region and national level.
- d. Initiating governance and implementation of government in the village with the adaptation of modern organizations but still based on village culture.

Government Regulation No. 43 of 2014 on Villages states that "villages are units of legal communities that have the boundaries of the territory authorized to regulate and manage government affairs, the interests of local communities, based on community initiatives, origin rights and/or traditional rights that are recognized and respected in the system of Government of the Unitary State of the Republic of Indonesia".

The village government in realizing village independence is obliged to provide essential social services that can be felt by the village community as a whole which includes elements of indigenous peoples, the creation of good social relations between indigenous village communities and village administration independence is the main benchmark in realizing village social independence, social independence in a positive sense is independence for development with village community ties

through Social solidarity of the community because the pattern of interaction that is built must start from the ability of the village government administratively to be able to include every element of indigenous people in every social interaction in the implementation of village development programs.

Social independence in the village is considered a very principle that must be addressed by the village government of the Tanimbar Islands Regency. This is because there are still frequent conflicts and misunderstandings between village communities and various problems that occur as stated in the background, which is precisely caused by the lack of quality social relations in the village development process both between village communities and between villages. Another is precisely due to the lack of social relations values that have not been able to be applied optimally by the village government to village communities.

Village Social Independence Supporting Theory. In order to bridge the pattern of social relations in the process of village government in Tanimbar Islands Regency, village communities in Tanimbar islands need to be given a refresher in carrying out a quality social relationship pattern so that it is expected to be able to minimize the conflict that has occurred so far. The pattern of social relations carried out in the process of village government must be based on positive legal theory or pure legal theory (the Pure Theory of Law), which is a positive legal theory but not a positive legal theory of a particular legal system but a general legal theory. As a theory its main purpose is the knowledge of its subject to answer the question of what the law is and how the law is made. It is not a question of whether the law should be (what the law ought to be) or how it should be made (ought to be made). Pure legal theory is the science of law (legal science), not legal policy (legal policy).

Positive legal theory (The Pure Theory of Law) is one of the theories of positivism, which brings addresses if legal positivism responds to moral dialogue, values are over and the end when it comes to positive lawmaking. The law is obeyed not because it is acted well or balanced but because the law has been written and passed by the government. Hans Kelsen is one of the founding fathers of legitimate modern philosophy, whose thinking conforms to the ontological view of the reality of pluralist citizens, justifying the evidence of populism and equality. The Philosophy of Original Law is the path that brings together Sah Naturalism with Sah Positivism, which introduces the latest concepts of basic norms; norms, hierarchy norms, and legal actions.

Kelsen explained that what law it is (only) and what law ought to be (should be) is something that should not be reduced to fact. Alternatively, the opposite of something alone cannot be reduced to reality. Something that cannot be reduced to what it should be. Anything cannot be grown from proper and the opposite (An Ought Cannot be reduced to an is, or an is to an ought; so, an cannot be inferred from on ought, or an ought from an ins). Dualism must also be 2 (two) things that are a kind of cut currency that cannot meet (The duality of is and ought coincides with that of reality and value. Thus, no value can be derived from reality, and no reality from value).

Based on the theory of positivism above, it can be concluded that the law is based on a positive view, which is in the form of values and morals that support the formation of the law. Based on the theory of kelsen above, in order to achieve village social independence in the Tanimbar islands district, the village government, in this case administratively, must be able to make positive rules that can be implemented in every village community development program, this conflict and problem that occurs must be resolved by looking back at the rules that are able to accommodate social relations patterns that can accommodate all the interests of the village community including in it. The interests of indigenous community elements, in order to support social relations patterns based on positive laws made by the government, the pattern of social relations should aim to make the lives of rural communities happy as stated in the Theory of Benefits according to Jhon Stuart Mill.

According to John Stuart Mill, "benefit is utility is happiness for the greatest number of sentient beings". Happiness is a guideline for everyone to act so that as many beings as possible feel happiness. If there are 2 (two) kinds of deeds, choose the result which will be happy people in more significant numbers. The purpose of this stream is to achieve as much pleasure as possible, both quality and quantity. The measure in action is the happiness of others who are as many as possible. Departing from Mill's view, the Tanimbar district government should, when making positive laws then it should aim to make the village community happy as a whole. This means that every rule must also accommodate the interests of indigenous elements so that in its implementation, there is no conflict that leads to the division of village communities which results in the inhibition of the village development process.

In the process towards the social independence of the village, based on the Secondary Legal Theory affirmed about the customary law rules that must be used as a benchmark in the construction of village communities, this means that the village government in Tanimbar islands regency must see every potential of customs and cultures that already existed before the existence of the village, various customary relics both physically and in writing should be used as a benchmark for the future to make rules in the process of village development towards self-sufficient.

Social Realization Independence of the Village. The independence of a village can be achieved if it has a cooperative relationship between elements of indigenous village communities and elements of village communities administratively to have a strong commitment to making changes to the dependence provided by the central government by empowering existing human resources capabilities and utilizing the potential of the village. Based on the Theory of Expediency affirmed by Mill, the village government should administratively be able to invite elements of the customer community to jointly build the village for the most significant amount of happiness together thus, there is no unilateral interest, but everything is based on mutual benefit and happiness that has an impact on the village as the original autonomy will be increasingly visible so that the dichotomy of the village government that has been built so far is just a relationship. Coordination and not being on the bottom foot in the decentralization of the area. The participation of village communities both customarily and administratively is a supporting factor in realizing village independence in Tanimbar Islands Regency. Related to empowerment, some of the most important priorities that can be done by village community institutions in Tanimbar Islands Regency are as follows a. preparation of the Tanimbar Islands Village Customary Ranperda, b. The needs in the human resources quality education are productive, competitive, nutritional needs, as well as physical facilities and infrastructure as needed to be met, c. Local wisdom and preservation of institution d. Decision-making in development includes the participation of indigenous village community institutions and administration.

To achieve maximum village independence in the Tanimbar Islands, the village government in the Tanimbar islands regency must often initiate activities such as those carried out by the Sumberpasir Village Government of the District of Malang Regency, which carries out activities to increase the participation of village communities in this case carried out thoroughly by also presenting all elements of indigenous peoples to do joint service work in cleaning the village for every time. Specified, there is a village race by presenting every potential or wealth of customs and culture of each existing village, and also conducting village development deliberations carried out by presenting every element of indigenous society.

Empowerment is the process of providing power and ability to anyone who does not have optimal power with the aim of increasing their strength and ability to be able to carry out their lives independently. As for the cold targets achieved in empowerment first, the liberation of them from behind by getting out of the snare of poverty and poverty. This goal will be related to the problem

of primary needs in the form of food-board clothing and on the health aspect. Meanwhile, the second goal is to strengthen the position of rural communities in the socio-economic order as well as power at a greater level. As for achieving these goals and objectives, the community must be used as a subject or perpetrator and no longer an object in village development efforts. This is what makes Sajogyo say various proposals and proposals of village communities as one of the foundations in the village development program both from the local, regional, and even national scale. The task of this distinction is to provide facilities for conducting studies on various existing problems, meeting needs, and utilizing opportunities to solve problems in the village. From here the community must be involved in every program so that the community understands the root of the problem correctly to various effective ways to solve the problem. Proper collaboration from government programs with the participation of village communities can increase village development's success to stimulate the process of creating self-sufficient or independent villages.

The goals achieved in village empowerment are village communities, where they become a forum for village communities, both individuals and village communities in a community. Purnomo explained that this empowerment is a method that is done to develop the potential and strength of the village in the local community by approaching the community so that the community wants to participate and learn together. Meanwhile, the target of village renewal is the existence of entities that collectively have a higher economic-political relationship with village actors and other structures. Aspects that must be emphasized are the right strategy, empowerment, approaches and planned processes based on local communities based on local capacity so that they can become a framework in the target of renewal to realize village independence.

Realizing village independence requires a severe and sustainable, comprehensive and participatory strategy and the community's efforts to reaffirm the village's existence of the village one of the manifestations of village autonomy that can stand independently. The village has problems and dependents that are quite heavy, so it requires the community's participation in the village construction. To realize an independent village with a prosperous community does not always require structuring aspects of the government but also matters related to regional problems, daily life and prevailing customs, regional potential, social, institutional readiness, politics and rural economy. The strategy in the sociological perspective is to empower the people of that village to support the realization of village independence by increasing the participation of village communities so that they can find and utilize the potential of the village owned and solve the problems in the village. The concept of empowerment is aimed at finding new alternatives in the development of rural communities.

Thus, it can be seen that the empowerment of village communities is primarily determined by the strength of the community individually or in social units. If the citizens have been able to achieve the common goals achieved from their independence, then the citizens must be able to carry out other empowerments with their efforts armed with the knowledge and skills that have been obtained so that they can achieve village independence without outside support.

2. Village Political Independence

Legal Basis. In Law No. 6 of 2014 concerning villages, it is explained that indigenous villages and villages or so-called by other names, hereinafter referred to as Villages, are units of legal communities that have territorial boundaries that are authorized to regulate and manage government affairs, the interests of local communities based on community initiatives, origin rights, and/or traditional rights that are recognized and respected in the NKRI system of government. Next in PP Number 47 of 2015 concerning Village Government which regulates the "implementation of government affairs and the interests of local communities in the system of government of the Unitary State of the Republic of Indonesia. The village government includes the Village Government and the

Village Consultative Board (BPD)". Village Government, referred to by another name, is the Village Head and Village Device as an element of village government organizers.

The independence of the village politically can be reviewed starting from the process of recruitment/fostering the apparatus, accountability of the apparatus, independence of making policies, community participation/embodiment of political rights, freedom of expression of the right of customs and origin of the village. In the scope of the village, political independence is interpreted as an idea and local emancipation related to the arrangement and management that arises even though there is no state interference. For example, although there is a state presence, the impact is not so real in developing the potential to impose its will, the central political initiative is believed to cripple local initiatives. Therefore, political independence can be equated with the meaning of local emancipation.

According to Anwar, local emancipation requires recognition from the state for the development and welfare of the community that has been achieved. From there, the state is able to act as a facilitator in local institutions and community communities so that it can replace the imposition or can develop emancipation to be much more widespread.

Village Political Independence Supporting Theory. Currently, when viewed in terms of quantity or quality, the government apparatus's condition is quite limited. The review of the weak village government structure also has the potential to be an obstacle in community service and improving the performance of the organization. For example, if the administrative affairs of the village government are neglected for example, in the socialization of UN operations, including the preparation of late APBD, it will be more difficult for the government to complete its responsibilities. Thus, the success of achieving village independence is also getting weaker. This is what makes the village government often rely on the structure of the government that is higher.

The theory that can be used to realize village political independence in Tanimbar Islands Regency is the Theory of Independence affirmed by Koentjaraningrat which states that independence is a reason composed to produce different behaviors or actions in each individual. Thus, this independence is a concept that is closely related to the social and cultural values contained in the community. There are two groups of people, namely those that uphold the independence of Western culture, but some are guided by the social interaction of Eastern communities, which is referred to as an interdependence culture that is different from the theory of independence or participation theory, which becomes the basis in an effort to realize political independence in the village sphere.

According to Suryono, participation is the participation of the community in the village development process, participating in the implementation of village development even and also benefiting and enjoying the results of development. To achieve the success of this development, it is necessary to have an initiative and creative society that can grow from the existence of self-awareness and as a form of human responsibility in community life to form participation.

According to Suryono, there are several details to participate, namely:

- a. Participation has the meaning that is carried out is part of the joint effort carried out shoulder to shoulder with the national community and the devil of water to make development for the future;
- b. Participation is also interpreted as a form of participation of citizens in achieving common goals despite having a different backgrounds and beliefs but all communities carry the same responsibility to advance the future and realize various expectations of the nation;
- c. This participation is also included in one aspect of planning and implementing development but also as one of the contributions to fostering human values and ideals for social justice;

- d. Participation in the development process is interpreted as an effort to stimulate development in accordance with humanitarian aspects, then guided social and national justice can also maintain the preservation of nature as a human living habitat for future generations.

Furthermore, according to Slamet, the concept of participation if associated with the development of a democratic society has 3 (three), namely political participation, social participation and citizen participation. According to Slamet, three things will be presented, namely:

- a. Political participation will tend to the influence and position of the people's representatives in government institutions compared to the active participation that exists in the process of government itself.
- b. Social participation is participation where it is considered an outsider in the development process and aims to strengthen learning and social mobilization. The purpose of this social process is to be used as a vehicle for community involvement in learning and social mobilization, no longer in public policy.
- c. Citizen participation tends to be the active participation of the community in the decision-making process of institutions and governments. Thus, there is concern from all forms of community participation in policy formulation and decision-making.

The village government in the Tanimbar Islands regency must also be able to understand the principles described in the leadership theory put forward by Malayu S.P Hasibuan, namely leadership is a method to lead and influence subordinates to achieve organizational goals by increasing productivity in the same way. This leadership is an ability possessed by the leader who is able to exert influence on others so that it behaves according to the direction of the leader, which is the difference between leadership and social processes. According to Soekanto, leadership is defined as a relatively complex relationship of the obligations of specific individuals and organizations/entities. This leadership includes the social process of covering all the behavior of a person and body that initiates movement in society.

Furthermore, leadership according to Handoko is an ability possessed by the figure of the leader to exert influence on others according to the goals and objectives to be achieved. Furthermore, according to Wirjana and Supardo, leadership is a complicated process in influencing others to achieve specific missions, tasks, goals, and goals. Leadership is an attempt to direct others to achieve a specific goal. Leadership is also referred to as the relationship of mutual influence between leaders and subordinates. Although difficult to conclude in general, this principle of leadership is related to one party that can influence the behavior of the other party in order to achieve specific goals. However, not everyone who is able to influence others in achieving the goal is called a leader.

Kartono argues that leadership is considered as a matter of influence and relationship between leaders and followers that can appear and develop as a result of interactions carried out. While Ordway Tead in Kartono found leadership is one's effort to influence others to be willing to work together in achieving the goals to be achieved. According to Danin leadership is defined as all behaviors carried out by individuals and groups in coordinating or directing individuals and groups that are members of it so that they can achieve the goals that have been confirmed before. Furthermore, Sulistiyani said that leadership can run smoothly and successfully to initiate an organization if the leader has qualified leadership abilities. The ability of this leader is very influential in the effectiveness of the leadership process possessed by a person.

Realization of Village Political Independence. It is known that the personal reality of government officials is limited when viewed from quantity and quality, so it is less effective when used to accelerate village development. The number of village government officials is still limited and the quality is not good enough, so it has a significant effect on the implementation of government and development. Village government management must also have leadership

capabilities because it will affect the implementation of village-level government. The village government must be able to be compact where the existence of this village institution can be a challenge and obstacle for the village government in an effort to organize village governance and development. If there is a change in the structure and institutional function of the village apparatus, it raises the opportunity for tenuous solidarity in the village government internally. Thus, this poor management will be difficult to achieve village independence. For example, the village government is often stuck on internal problems between government officials when managing assets and the potential to be developed in the village.

Leadership style can also be a new problem in the implementation of government at the village level. For example, in the formulation of development planning is often found dominance where the reality of development projects is only planned by a small number of elite individuals in the village. Even the formulation and implementation of policies also often involve only certain people even though there are still many other people who have adequate abilities but are not considered.

A village head is appointed and elected by the regent on behalf of the governor of the elected candidate based on the most votes. Meanwhile, the village secretary, the village head, and the head of community affairs were not involved in the process. This village secretary is usually appointed by the regents of various proposed candidates and then will be decided from various subdistrict head considerations and selection data. The same thing was done to the appointment of the head of the hamlet and the head of affairs. In the selection of the Village Deliberation Board, the community is also not involved because it is only authorized by the village head along with community leaders in the village concerned. The village head and village secretary obtained positions (ex-officio) in the LMD.

From the other side, the horizontal relationship with the village government is indeed not running optimally. BPD is known to be unable to be a good bridge between the community and the village government. Changes in the recruitment patterns and functions of BPD continue to occur, making BPD's role as a representative of citizens even weaker. The role is limited, so BPD is not able to accommodate people's political rights.

BPD is considered to have a less than optimal role because it is not able to carry out its duties and functions in village government properly. BPD should be able to contribute to efforts to increase independence in the village, but it turns out to experience various obstacles such as character, system, culture, or even certain busyness so that it cannot be a bridge for the community to the government. The existence of these complex problems makes BPD institutions function not optimally, plus BPD institutions are no longer dominant as when Law Nomo 22 of 1999 was still in force. For this reason, BPD has not become the right vehicle for the community to participate in voicing their political rights actively. The existence of this limitation also makes people's apathy behavior in BPD.

Based on the observations of policy drafting pratik that has occurred, it is obtained the result that the process is dominated by certain elites only. At regular monthly meetings, the lower community is still involved but is not substantially involved in the strategic planning process of village development or the preparation of various policies. This is because in addition to the dominance of the elite, it is also because of the lack of enthusiasm of society to be involved in the process. Communities tend to participate more often directly in the development of RT / RW level areas where it may occur because villages lack power in development financing.

BPD's less than optimal duties and functions will have the potential to weaken further the position and position of the village government which also makes the village government can be easily intervened by outsiders. One of them is about accountability to the village, where according to the 2004 Law No. 32, the village head is responsible to the people who in delivering procedures

and procedures for accountability to the regent/mayor through the Camat. The village head only gave an accountability statement to the Village Consultative Board (LKPj).

In the above rules, the village head has a responsibility to the people through BPD and then submits a report related to the implementation of his duties to the regional head. This greater responsibility to the government can be regarded as a reduction in village sovereignty which is further aggravated by BPD's failure to bridge communities and governments. The impact is the disconnection of the village government at the root of the community in certain parties which makes the village government dependent on the supradesa government on other parties. If it has happened, then the process of village independence will be difficult to achieve. As the task of BPD function decreases, the spirit of village independence is also reduced.

The implementation of these rules is actually less effective, considering the origin of the village and the customs owned have slowly disappeared. The opportunity to maintain and preserve the right of origin of the village and village customs is still wide open. Village restrictions in the law also mention that the village is a government administrative unit with the lowest structure and has the right of autonomy based on origin and customs. In PP No. 76/2001, it is stated that the local government is obliged to recognize and respect customs and customary institutions in its territory as intended by UU Tahun 1999 No. 39 on human rights. Local governments can establish various policies in an effort to preserve, empower, and develop customs and customary institutions in each region.

One of the ways that need to be implemented by the Tanimbar islands village government to achieve village political independence can be done by modeling the government process that takes place in the village of Mbengan East Manggarai Ntt Regency. In general, the Mbengan village government runs the village government responsibly. Villages own Perdes RPJMDes, RKPDes and APBDes documents. Villages conduct village deliberations to discuss strategic matters, including designing development and empowerment activities. The preparation of RKPDes and APBDes refers to village deliberations. Proof of activity is supported by event news and attendance lists of activity participants. Each completed the activity, in each stage, accompanied by the absorption of village finances, the village government is administratively responsible in the form of village finance LPJ documents. This report was submitted by the village government to the district and district governments (Community and Village Empowerment Office). The content of the activity accountability report is in the form of a description of activities, the field of activities, the volume of activities, the timing of the implementation of activities, the implementation of activities, RAB, the realization of budgets, and beneficiaries of activities and the like. Budget absorption for Cash-Intensive Work (CCP) is also included according to the RAB. To support the implementation of village government-village financial management- well and administratively responsible, the village has a Guest Book, General Cash Book, Bank Book, Tax Book and auxiliary books.

The implementation of the Mbengan village government in Manggarai can be accounted for in accordance with the conditions of managing village development and empowerment activities. The village government also often evaluates internally the activities that have been carried out, in addition to being carried out situationally by the district and district governments. In addition, the village government has data such as population data (number of residents), poor families, the profession of each family, education data, recipients of assistance for every program that enters the village, Raskin recipients, community groups, village assets, road segments that are the authority of villages and districts and other village data. In addition, what must be exemplified by villages in the Tanimbar islands regency towards political independence is the process of planning village development involving the community involved in musdus, musdes and musrenbangdes to convey aspirations and propose development activities in Mbengan Village. The deliberations are usually

attended by related parties such as the sub-district government, Professional Assistance Personnel (TPP), BPD, community leaders, women leaders, youth leaders, PKK, village community institutions, health workers, and others. In connection with the deliberations, many villages said that the level of participation of women in village deliberations was very low, even far from the element of proportionality when compared to the participation of men. The presence of women is very unrepresentative. While the dominance of men is very strong. Related to the implementation of musrenbangdes, there is a perception of some people that musrenbangdes are just routines and annual planning ceremonies because there are many development proposals from the previous few years, even always proposed almost every year, often not realized. Whereas some proposals, such as the construction of roads, irrigation canals, and bridges, are always a priority for proposals every year.

In the implementation of village development, many villagers are involved. The implementation system of self-management development provides an open space for the participation of citizens. Thus, they can obtain economic empowerment from the results of the Cash-Intensive Implementation System (PDT). People are employed and paid cash wages. In addition, the community is also involved in enjoying social and economic services from the village government, such as posyandu services (PMT of toddler babies, pregnant women and the elderly), receiving Raskin assistance, PKH assistance, livestock assistance, unlivable home rehab, latrines construction, and appropriate technology training.

The concept of participation is also realized through the involvement of residents in maintaining the care and maintenance of development results in the village. In this context, the people of Mbengan village take part in maintaining and maintaining development results as village assets such as maintaining road assets, clean drinking water, village offices, posyandu, PAUD buildings, and village sports facilities. These assets are maintained and maintained by the community after the Handover Village Deliberation (MDST), resulting from the work of the Activity Implementation Team (TPK) to the village government to be officially then handed over to the community to be enjoyed, utilized, maintained, cared for and maintained. This deliberation is also beneficial for the village community to evaluate the strengths and weaknesses of the implementation of development in the village.

3. Village Economic Independence

Legal Basis. The presentation of Article 18 of the 1945 NRI Constitution (before the change) states that "In the territory of the State of Indonesia, there are approximately 250 Zelfbesturende landschappen and Volksgemeenschappen, such as villages in Java and Bali, Nagari in Minangkabau, hamlets and clans in Palembang, and so on". These areas have an original arrangement and thus can be considered areas of a special nature. The Republic of Indonesia appreciates the existence of those certain territories and all the state rules about these areas can remember the rights of the origin of the territory. Thus, its presence must be recognized and guaranteed its survival in NKRI then article 18 UU of 2014 No. 6 concerning the Village is said to be the authority of the village to cover authority in terms of village community empowerment, implementation of village development, and implementation of village government. In accordance with customs, community initiatives, and the right of origin of the village. In addition to this, the village has an obligation to advance the economy of the villagers, provide general welfare and make the villagers subject to development that is directly related to the implementation planning and the utilization of development. In empowering the village economy, thus the village head carries out village government on the basis of prohibitions, obligations, and authorities, based on the principles of implementation of village government listed in Law No. 6 of 2014 concerning Village article 24, among others:

a. Orderly administration,

- b. legal certainty,
- c. Openness
- d. orderly public interest,
- e. Professionalism
- f. Proportionality
- g. Efficiency and effectivity,
- h. Accountability
- i. Participatory
- j. Diversity.
- k. Local wisdom

Independent village is an assessment from the Ministry of Villages through the regulation of the 2016 Law Number 2 on the Building Village Index (IDM), IDM aims to evaluate the results of the achievements of the Village Fund. IDM as a measurement of the level of village development developed by the Directorate General of Village Community Development and Empowerment (PPMD), Ministry of Villages, PDTT. Village independence is not the solitude of the village in running and living its affairs. Village independence recognizes politics with the dimension of justice in the context of the relationship between the village (as a local entity) with the supra-village power between the center and the greater region. The village has the potential to become an independent village has several things that are supporting factors, namely:

- a. Has the potential of SDA,
- b. Have hr potential,
- c. Has great potential for facilities and infrastructure
- d. Have the ability to meet the needs in the village and some that can be sold out of the village,
- e. Has a prominent product specification that is based on the typology of the village,
- f. Have a below-average poverty rate of villagers,
- g. There is significant participation and public awareness in optimizing the potential of the village,
- h. Have many institutions,
- i. High levels of women's empowerment in socio-economic activities,
- j. Have a driving figure or innovator and eligimatizer who has a significant role in society,
- k. There is a high public awareness of the environment.

Village Economic Independence Supporting Theory. Economic independence has the meaning of a village's ability to maintain, optimize and manage the assets and natural potential owned by the village. This is usually a solution to the state problems that occur, which usually takes the form of SDA management solely for economic growth. Therefore, the village became a pioneer in the sustainable management and utilization of SDA. Sustainable SDA management and maintaining the balance of nature to remain sustainable have an influence on the sustainable welfare goals of the community and village. A significant role in the strategic planning process of village development in Tanimbar Island Regency was moved by the Regent of Kepulaun Tanimbar Regency by seeing the potential of the SDA owned.

One of the capitals in creating an independent village is to have a relatively good economic status where these economic characteristics can affect the arrangement of the village environment. This exemplary level of the economy will encourage self-help in higher society. With adequate community capacity, it can stimulate village development even though assistance from the government is still limited.

Related to the potential and income owned by the village, the existence of a limited village PAD significantly affects the independence of the village in the village government is no longer accessible in organizing government and development if PAD does not support it. In terms of

finances, the village will depend on the top government, so the village government is not able to meet the needs of the residents to the maximum. However, the allocation of funds is usually based on the provisions of the top-level government as a funder.

The potential of the village is strongly related to its independence of the village. The level of soil fertility, geographical area, transportation access, water source potential, the existence of village assets and other economic potential that can be an income for the community/village is very influential for community independence and village independence. The local potential is referred to as essential for rural communities, both physical and non-physical, that can improve the socio-economic life of the community and must be managed properly. This community empowerment can be a way for the local potential to be more effective and have the power to advance in a better direction. The potential of the Tanimbar islands village government is carried out by mapping local asset-based potential. Assets are a leading indicator of success in village development in a structured and systematic manner. One of the assets that can be developed is social capacity in the form of resources owned by the village community, political capacity, leadership power, and bureaucratic management arranged more professionally, this indicator is the key to achieving independent villages in Tanimbar Islands Regency. The potential of the Tanimbar Islands Regency remains a potential if it is not optimally empowered to realize village independence. Some of the potential villages owned by Tanimbar Islands Regency are as follows:

- a. Geographically Tanimbar Islands Regency is the most remote island bordering Australia, so the sea has the potential to be developed. Marine potential can be developed by improving fishery infrastructures such as fishing vessels, fishing gear and fish processing technology.
- b. The potential of seaweed cultivation is a very potential economic sector, as evidenced by the main activities in the Tanimbar Regency sector. Seaweed cultivation is a product of the Fisheries and Marine Service's productive economic activity program, while the potential and resources of welfare in the Tanimbar Islands Regency have not been worked out.

To realize the economic independence of villages in the Tanimbar islands district, the village government should be able to implement the meaning of the Accountability Theory theory affirmed by Miriam Budiarjo, who tried to provide a definition of accountability as the responsibility of the parties who mandate to rule from the government to the citizens who give them a mandate. Accountability has the meaning of accountability by creating supervision by distributing power to government agencies to reduce the accumulation of power while conducting supervision together. Accountability is the obligation of a person or organizational unit to account for the management and control of resources and the implementation of policies that have been submitted to him in order to achieve the goals that have been set through periodic accountability.

Furthermore, Hughes in Joko Widodo asserted that Government organization is created by the public and to be accountable if, that is, government organizations that are made public need to be accounted for to the public). The government apparatus will be charged with the obligation to be the person in charge of all actions and policies that have been established. Thus, the government must provide accountability for its attitudes, behaviors, and actions to the people in organizing and carrying out government functions. Indonesia is also considered a country of law that strongly supports recognition of the principles of supremacy of law and constitutionalism, which states that the state of law must be all aspects with the doctrine of the rule of law, thus the law. Having the highest position in the legal equation and the principle of legality in dealing with various practices, Sedarmayanti said accountability is interpreted as an obligation to provide accountability and explain the performance and behavior of an organization to the authorities to be held accountable. Thus, this accountability is a transparency of the programs and policies that have been implemented. This accountability is not only responsible for the different results obtained in the field but also for

all government actions, including consideration of aspects of values in society. Kumorotomo further said that accountability is a measure of government activities towards public services that have been adjusted to the norms and values that apply in the community and then review whether the public services that have been carried out can accommodate the needs of the community in real terms.

Realization of Village Economic Independence. Establishing a village business entity is another way to improve the economy of the community. Setting up an institution and running a business is not an easy task. Therefore, cooperation between the government and rural communities is needed. Cooperation and unity in rural business management will bring benefits in the form of income. The existence of village business entities will reduce poverty and create jobs. Rural Enterprise Management (RVM) is the foundation that allows the village community's economy to move by utilizing the potential of the village in the form of natural resources and human resources. The economy will run well and employment opportunities will be open to the community through the existence and management of village-owned businesses. In addition, it can also help achieve village independence so that the recession that always looms over the village will disappear.

The establishment of village-owned enterprises is closely related to the purpose of village government in carrying out government programs, including providing an understanding through communication and learning about rural business; b. conduct discussions in the village, discuss rural business; c. formation of rural social business enterprises d. conduct feasibility studies focused on intermediary companies, joint ventures, social enterprises, financial and commercial enterprises and leasing companies in terms of technical and technological issues, then management and human resources, finance, socio-cultural, economic, political, business environment and environmental environment, legal aspects of the company and aspects of business planning; f. develop strategic partnerships between rural and other village companies or cooperation with the private sector, public socio-economic organizations and donor institutions f. run various types and forms of financial ventures and joint ventures focused on rural ventures.

In Realizing Village Economic Independence in Tanimbar Islands Regency, based on the comparison of villages that have been discussed in the Chapter III section of this dissertation, the pattern of economic improvement run by the Bongki Lengkesse village government of Sinjai Regency can be used as an example and benchmark for the village government in tanimbar islands regency. In organizing the government process, the Bongki Lengkesse village government prioritizes the accountability aspect. This is evidenced in the financial management process that has been relatively accountable. The funds allocated by the government to Bongki Lengkesse Village are expected to help its development. However, the development of Bongki Lengkesse Village itself requires good governance that is in line with the principles of good governance, including accountability for budget management which is divided into two aspects, namely 1) clear and complete rules, 2) effectiveness of supervision and comprehensive, and aspects of staffing management, 3) competence of devices and village heads; and 4) competence of village companions.

Sinjay Regency is one of the areas that receive funds from the village APBD, which is then distributed to each sub-district. Among others are North Sinjai Regency, East Sinjai Regency, South Sinjai Regency, Central Sinjai Regency and West Sinjai Regency. The rural potential is almost the same. That is, most of the territory is agricultural land. Especially in East Sinjai District, and more specifically in Bongki Lengkesse Village which is one of the expansion areas of Kampala Village located near the district capital is very helpful in the implementation of village development programs.

According to Riskasari, the village funds of 1.5 billion received by Bongki Lengkesse village in 2016 are the main concern for the community including village officials. This has a good impact where the condition of Bongki village is slowly starting to improve in terms of infrastructure and

community economy. From this, it can be concluded that the standard of living of the community is also sufficient which then raises concerns about the koruspi case that may ensnare the village head intentionally or unintentionally, for example because it does not know related to the budget management mechanism and the existence of budget accountability that has been obtained. According to Kurniawan, "Bongki Lengkesse Village Development Actor Collaboration is a collaboration between development actors, namely the Village Government, Communities and Business Groups in The Village to realize Independent Villages". Actually, many villages have begun to pioneer village independence first without waiting for intervention and initiation from the supra-village government. This is the reason for local innovations that strongly support the concept of village empowerment to realize village independence.

According to Riskasari, "Collaboration of Development Actors on the implementation of several independent villages, indicators observed in Bongki Lengkesse Village, East Sinjai District, Sinjai Regency" is;

- a. Have socio-economic resilience and the ability to survive independently and the community in the surrounding village. Efforts to increase the socio-cultural and economic resilience of rural communities are realized by maintaining social unity as a form of national resilience. The trick is to increase the strength of village communities with cultures that have grown into local wisdom in the form of customs, cultures, and traditions that can trigger movements, initiatives and active participation of village communities in developing the assets and potential of villages to achieve mutual prosperity. For this reason, good collaboration and cooperation are needed from development actors so as to strengthen the spirit of cooperation in order to improve economic aspects for the community and succeed in village development in Bongki Lengkesse Village.
- b. Independent in many aspects, ranging from the availability of energy, food, electricity, etc. Regarding village independence, Bongki Lengkesse is included in the independent food category. Even so, the community has not been fully independent in meeting the family's food needs, even though some agricultural products have been sold out of the province. Thus, the people in this village are quite independent because they can already use agricultural products for daily food needs. Meanwhile, energy and electricity it has not been called the independent stage. This is because the role of technology and human resources have not been qualified, so electrical energy cannot be available independently.
- c. Able to be an economic cog for the surrounding area. A village is referred to as an independent village when it is able to move the economy of the surrounding community. In other words, the village is able to stimulate and conduct empowerment programs while facilitating various village programs to increase the economic growth of the community through partnerships with other development actors. Bongki Lengkesse Village, although not yet included in the category of independent food, in recent years has shown symptoms of economic growth in agricultural products in the form of chili production that continues to increase. Then there are several types of BUMDes businesses that are known to be able to stimulate the welfare of the community.

Thus, Bongki lengkesse village although a small village that is generally livelihood farmers but the village government is able to manage village finances so that the economic level in bongki lengkesse village is included in the independent category, this should be the motivation for the village government in Tanimbar islands district to be able to improve the village economy towards independence that becomes the dream of all villagers in tanimbar islands regency.

CONCLUSION

The arrangement of villages in Indonesia has existed since the Dutch and Japanese colonial periods. The law was made after An Independent Indonesia that can regulate exclusively and independently. The law includes: Law of 1948 No. 22 on The Subject of Local Government, Law of 1957 No. 1 on The Principles of Local Government, Law of 1965 No. 19 on Praja Village, Law of 1974 No. 5 on The Principles of Government in the Region, Law of 1979 No. 5 on Village Government, Law of 1999 No. 22 on Local Government, and the 2004 Law No. 32 concerning Local Government as long as it concerns the village starting from article 200 to article 214 and most crucially the regulation of the Village in the 1974 Law No. 5 with the politics of village decentralists law uniformed, the law has a function as a government social control so that indigenous villages are eliminated based on the policy of equality and uniformity. Reforms also brought many changes, including the state of democracy law. The local government system also changed from centralistic to desentralistic after the constitution was amended to put decentralization on regencies or cities. The implementation of Regional Government is regulated by the 1999 Law No. 22 which also contains arrangements on Village Government. Arrangements about the village are directed to obey the will of the constitution which means "recognition" which is respect and recognition of indigenous legal units that are in accordance with the principle of origin, considering privileges, in accordance with NKRI and civilization. The enactment of the Village Law in 2014 No. 6 gives hope for the emergence of indigenous villages as the realization of constitutional promises in accordance with article 18B paragraph (2) and Article 28I paragraph (3) of the constitution (amendment) which states that the state respects and recognizes the unity of indigenous peoples and traditional rights stipulated in the law.

Implementation of the Village Law on the implementation of village government in Tanimbar Islands Regency has encouraged every village device to carry out its main duties in accordance with good governance, transparency and accountability and has succeeded in increasing the village status index where no longer found villages are very left behind and most have become developed and independent villages. After the Village Law was enacted by many villages in Tanimbar Islands Regency, many villages succeeded in developing their potential as mandated by the Village Law. However, the implementation of village government has not run optimally because there are still various problems and obstacles to implementing the Village Law including:

- a. Problems with less-than-optimal human resources
- b. Less qualified assistance and the role of supra-village governments such as districts are still not optimal, so it becomes an obstacle for villages to develop their potential and resources.
- c. The budget for village development is still minimal because, generally development funds come from proposed programs at the district and central levels. While the village development funds that come from internal are few and come from village wealth and village business results where they have not been able to meet the needs of village development. The supply of village development funds from the upper-level government is also insufficient for village development interests or government spending on villages.
- d. Independence is seen in development planning deliberations (musrenbang), where the village provides specific proposals and aspirations for the benefit of village development. In fact, in his execution must continue to be patient because he waits for affirmations from the district government so that the interests of the village can be funded. This means that the village is still dependent on financial support from the upper parties.

Realizing village independence through the implementation of village government both administratively and customarily is the management and structuring of aspects of village government, but also related to regional problems, regional potential, daily life and customs, social

institutional readiness, politics and rural economy. Empowering village communities that are considered a method to achieve village independence, including through the active participation of village communities to explore and develop the potential of the village and solve problems in the village. The concept of empowerment is aimed at finding new alternatives in the development of rural communities.

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